

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Martin Road, 160 ft. E * ZONING COMMISSIONER
of C/I Renfrew Street *
960 Martin Road * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic * Case No. 92-216-A
Arthur R. Dickerson, Jr. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks a variance from Sections 101 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) larger than the principal dwelling, and to be 24 ft. in height, in lieu of the required maximum 15 ft., all as more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner/property owner, Arthur R. Dickerson, Jr., appeared and testified at the hearing. There were no other interested parties or Protestants present.

The Petitioner proposes to construct a 30 x 50 ft. garage in the rear of his lot, as shown on the site plan. The proposed garage will be 24 ft. high, thus the need for the variance from Section 400.3 of the B.C.Z.R.

The Petitioner testified that the need for this garage was to satisfy storage requirements. The Petitioner testified that he owns a collector automobile and a classic boat which are presently stored in the rear yard. The Petitioner proposes to store both of these vehicles within the garage to eliminate their exposure to the elements. The dimensions and height of the garage are needed to accommodate these vehicles and to provide other storage space. The Petitioner testified that the existing dwelling on site is insufficient to store many household items and that a

second floor will be built on the garage to accommodate that purpose. The Petitioner testified that he understood that the garage could not be used to house an apartment and would be willing to accept a restriction to eliminate that possibility.

The Petitioner also acknowledged that he owns a machine business, however, he indicated that no commercial activity would occur on site. He emphasized that the need for the garage was strictly to accommodate his storage requirements and that no commercial/business activity would occur therein. He also noted that, although he had contacted the Department of Environmental Protection and Resource Management, he had not, as yet, received a determination as to whether the property is within the Chesapeake Bay Critical Area. If so, he will comply with any conditions required by that department. Lastly, he indicated that his neighbors support his request and that they have given him suggestions as to the location of the building, the materials needed for construction, and the proposed dimensions of the garage.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of February, 1992 that the Petition for Zoning Variance from Sections 101 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) larger than the principal dwelling, and to be 24 ft. in height in lieu of the required maximum 15 ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

3. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

4. The Petitioner shall use the proposed accessory structure (garage) solely for storage purposes and will not permit any commercial/business activity associated with his business to occur there within.

5. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-4-

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

101 and 400.3 to permit an accessory structure (garage) larger than the principal dwelling with a 24' height in lieu of the maximum 15.'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty)

1. Need for additional storage for collector vehicles and classic boat.
2. Need for additional storage due to limited storage space in house. Addition of second floor onto house is estimated at 90% of cost of garage and will only provide 60% of proposed second floor garage storage.
3. Need for protection against increased theft, vandalism, and malicious destruction, experienced over the last 7 years.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Same as legal owner
(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Arthur R. Dickerson, Jr.

(Type or Print Name)

Arthur R. Dickerson, Jr.

Signature

(Type or Print Name)

Signature

960 Martin Rd. 301-686-8932

Address 301-391-5815

Balto., Md. 21221

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Same as above

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be posted on the property on or before the ____ day of ____, 19__.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: *mmk* DATE: 11/12/91

Est. post. November 12/10/91

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es)/do presently reside at 960 Martin Rd.

Balto., Md. 21221

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. Need for additional storage for collector vehicles and classic boat.
2. Need for additional storage due to limited space in house.
3. Need for protection against increased theft, vandalism, and malicious destruction, experienced over last 7 years

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Arthur R. Dickerson, Jr.
AFFIANT (Handwritten Signature)

Arthur R. Dickerson, Jr.
AFFIANT (Printed Name)

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this ____ day of ____, 19__, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE

NOTARY PUBLIC

My Commission Expires: 1/1/92

Beginning on the north side of Martin Road, fifty feet wide, at the distance of 160 feet east of the centerline of Renfrew Street. Being Lot 30 of the Martindale subdivision, Plat Book 14, Folio 51. Also known as 960 Martin Road containing .316 of an acre in the 15th Election District.

216
92-216-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1224 Date of Posting: 1/24/92

Posted for: Arthur R. Dickerson, Jr.

Petitioner: Arthur R. Dickerson, Jr.

Location of property: 960 Martin Rd. Towson, Md. 21204

Location of Sign: 960 Martin Rd. Towson, Md. 21204

Remarks: On property of Baltimore

Posted by: Matthew Date of return: 1/26/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/16, 1992.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zake Orlan
Publisher

\$70.33
+ 35 \$95.33

**Baltimore County
Zoning Commissioner**
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 10/30/91 Account: R-001-6150

	QTY	PRICE
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: DICKERSON

0400401111MCHC
BA 001210P11704-91 \$60.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 1/24/92

Arthur R. Dickerson, Jr.
461 Martin Road
Baltimore, Maryland 21221

RE:
CASE NUMBER: 92-216-A
3/5 Martin Road, 160' E of c/l Redfrew Street
960 Martin Road
15th Election District - 5th Councilmanic
Petitioner(s): Arthur R. Dickerson

Dear Petitioner(s):

Please be advised that \$ 95.33 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 112, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1224 Date of Posting: 1/24/92

Posted for: Arthur R. Dickerson, Jr.

Petitioner: Arthur R. Dickerson, Jr.

Location of property: 960 Martin Rd. Towson, Md. 21204

Location of Sign: 960 Martin Rd. Towson, Md. 21204

Remarks: On property of Baltimore

Posted by: Matthew Date of return: 1/26/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/16, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/16, 1992.

THE JEFFERSONIAN,

S. Zake Orlan
Publisher

\$70.33

**Baltimore County
Zoning Commissioner**
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 10/30/91 Account: R-001-6150

92-216

0400401111MCHC
BA 001210P11704-91 \$60.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

JAN 08 1992

NOTICE OF HEARING

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-216-A
3/5 Martin Road, 160' E of c/l Redfrew Street
960 Martin Road
15th Election District - 5th Councilmanic
Petitioner(s): Arthur R. Dickerson
HEARING: MONDAY, FEBRUARY 3, 1992 at 9:00 a.m.

Variance to permit an accessory structure (garage) larger than the principal dwelling with a 24 ft. height in lieu of the maximum 15 ft.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Arthur R. Dickerson, Jr.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 12, 1991

Mr. Arthur R. Dickerson, Jr.
960 Martin Road
Baltimore, MD 21221

RE: Item No. 216, Case No. 92-216-A
Petitioner: Arthur R. Dickerson
Petition for Residential Variance

Dear Mr. Dickerson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Zoning Plans Advisory Committee Comments
Date:
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2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 12th day of November, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

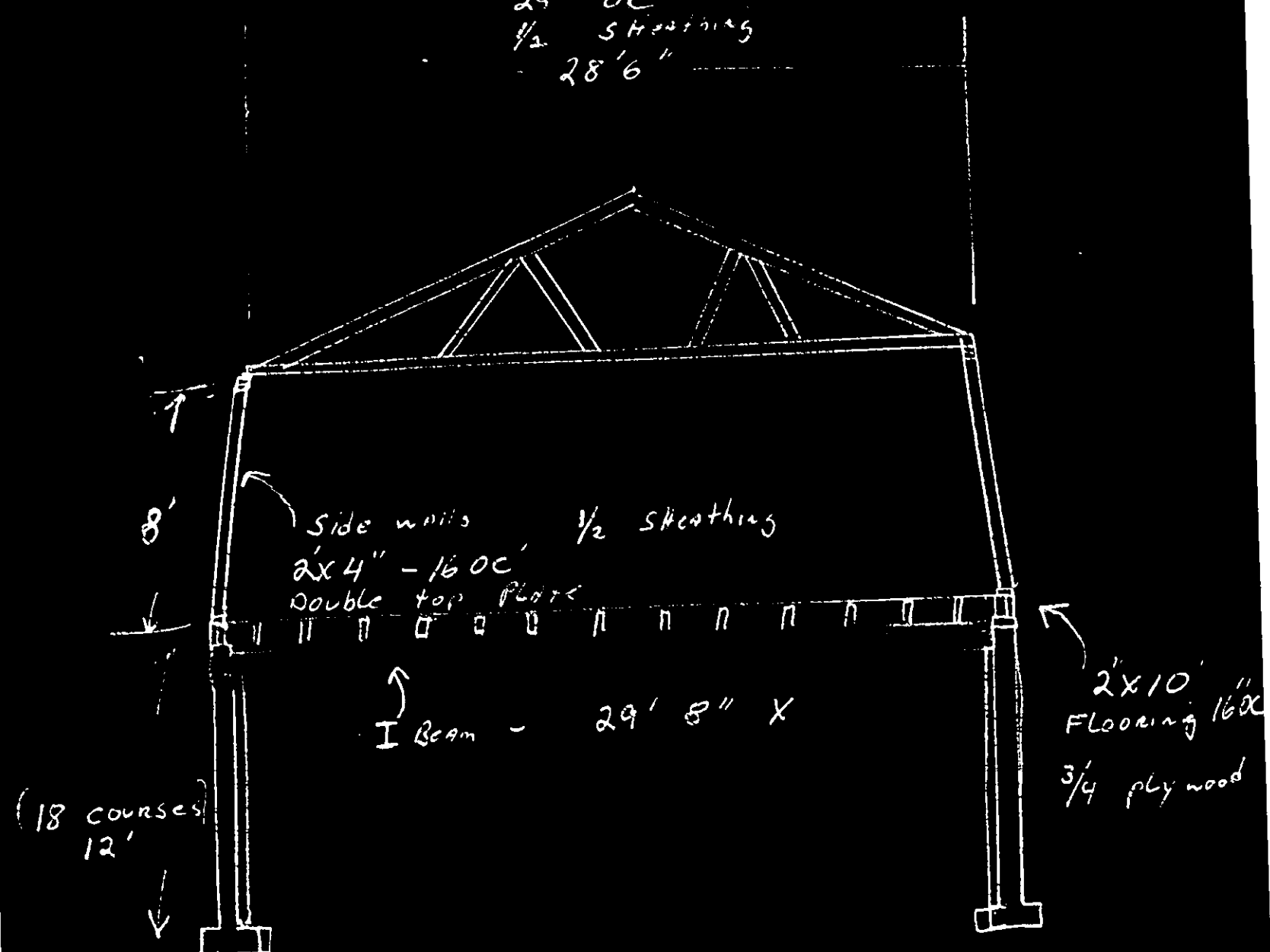
Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Arthur R. Dickerson
Petitioner's Attorney:

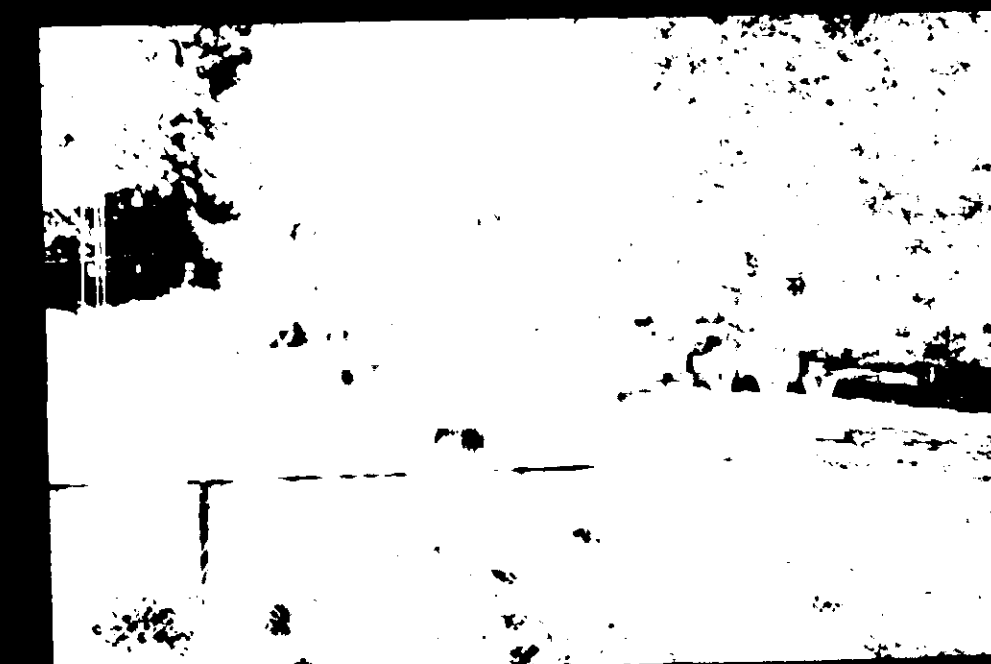
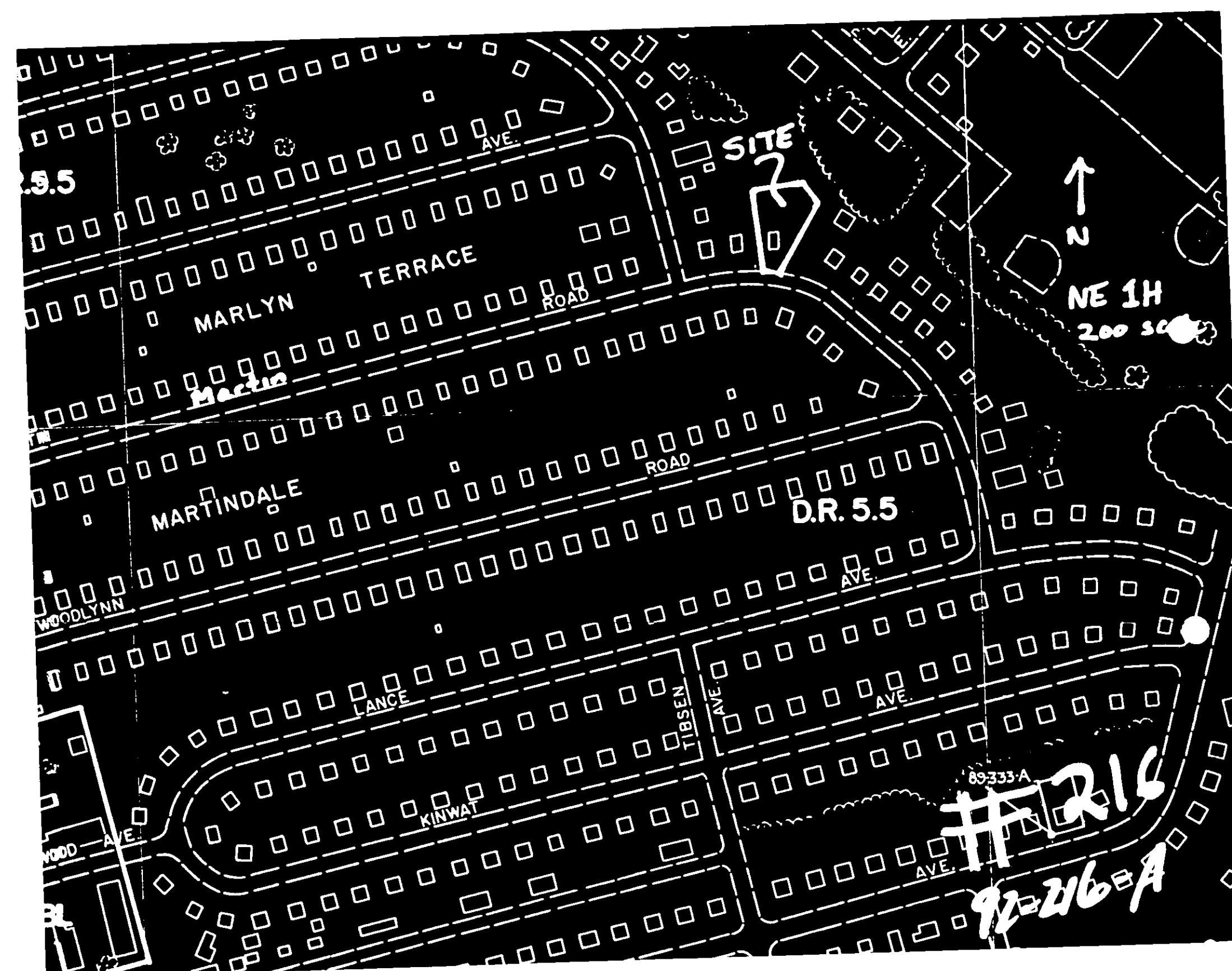
11/15/12	216	15-110
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Side walls & Roof - Asphalt Shingles

Trusses - 4 on 12
24" OC
1/2 Sheathing
28'6"



92-216-A
#216



#216
92-216-A